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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS POLICE SUPPORT GROUP

I. INTRODUCTION

1. In its resolution 1145 (1997) of 19 December 1997, the Security Council decided to establish, with effect from 16 January 1998, a support group of 180 civilian police monitors, to continue to monitor the performance of the Croatian police in the Danube region (hereafter referred to as "the region"), in particular in connection with the return of displaced persons, in accordance with the recommendations contained in paragraphs 38 and 39 of my report to the Council of 4 December 1997 (S/1997/953) and in response to a request from the Government of the Republic of Croatia. The present report is submitted pursuant to paragraph 15 of the same resolution, in which the Council requested me to inform it periodically and to report as necessary, and in any case no later than 15 June 1998, on the situation in the region. The present report provides an overview of the activities of the United Nations Police Support Group and an assessment of the situation in the region following the termination of the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) on 15 January 1998.

II. POLICE SUPPORT GROUP OPERATIONS

2. The United Nations Police Support Group and the United Nations Liaison Office in Zagreb are jointly headed by my Representative, Mr. Souren Seraydarian. Mr. Halvor Hartz is the Police Commissioner for the Support Group. The headquarters of the Support Group is in Vukovar and it operates under the overall responsibility of a small substantive unit based in Zagreb. My Representative maintains close contact with the Government of Croatia on all pertinent issues related to the Support Group. He also maintains close contacts with the United Nations agencies in Croatia, in particular with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations High Commissioner for Human Rights, as well as other international organizations, especially the Organization for Security and Cooperation in Europe (OSCE).

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3. The transition from United Nations civilian police operations within the framework of UNTAES to those of the Support Group has been seamless. Some 180 civilian police monitors are deployed in 14 Croatian police stations in the region and within the departmental Croatian police headquarters in Vinkovci and Osijek, where they maintain round-the-clock coverage of police activities. The functions performed by the civilian police include monitoring local police operations at all levels; patrolling, including joint mobile patrols; participating in and following up case investigations by the local police until such cases are transmitted to a court or public prosecutor; human rights monitoring; and providing guidance and limited training to the local police force.

4. The modalities for conducting these tasks have been agreed between the Support Group and the Government of Croatia. To perform their functions, civilian police monitors, inter alia, collect information and data; interview victims, witnesses and authorities; visit displaced persons and institutions; and monitor public demonstrations and protests. The performance of the Croatian police is measured against international standards for law enforcement agencies as described in the "United Nations Criminal Justice Standards for Peacekeeping Police" (second edition, 1996).

Ethnic structure of the local police force

5. In its letter of 13 January 1997 (S/1997/27, annex), the Government of Croatia guaranteed proportional Serb representation, including at senior positions, in the police in the region. On the basis of that guarantee, a memorandum of understanding was concluded in July 1997 between the Government of Croatia and UNTAES on the ethnic composition and deployment of the police in the region in the post-UNTAES period. The memorandum provided that for the first year following the April 1997 elections, there would be 700 to 800 police posts for Serb and other non-Croat communities. After 14 April 1998, the ethnic composition of the force would be on a proportional basis, including senior positions.

6. At the conclusion of the United Nations transitional period on 15 January 1998, there were 812 Croats, 789 Serbs and 52 persons of other ethnicity serving in the police, with full proportionality in senior and command positions. Since that time, 101 Serb officers, most of whom had reached retirement age, have left the police, but full proportionality continues to be respected. Measures are being taken by the Assistant Minister of the Interior and his officers to counsel those intending to resign and to persuade them to remain. On 7 June, there were 794 Croats, 673 Serbs and 49 persons of other ethnicity serving in the police. The police force will gradually draw down to a strength of about 1,250 officers. The Government has stated that maintaining the ethnic balance of the reduced force will remain a priority.

7. Working conditions, salaries and welfare benefits within the local police force are now the same for all officers regardless of ethnicity, and no discriminatory practices are evident. Only a few inter-ethnic incidents have been reported. The Support Group continues to monitor closely the ethnic composition and working conditions of the police in the region.

The security situation in the region

8. Thanks to the high ratio of 1 police officer to 75 residents within the region (that ratio is about 1 to 220 in other parts of Croatia), the overall security situation in the region is relatively stable. The high level of policing has, however, not stopped ethnic intimidation. In the first four weeks of the Support Group's operations, an average of 42 incidents were reported each week. In the most recent four-week period, this has risen to an average of 54 reported incidents, with particular increase in ethnically related incidents. More than 15 per cent of the cases involve repeat offenders. Most cases of intimidation have occurred in the north of the region, where a greater number of Croat displaced persons have sought to return.

9. As the process of Croat returns to the region slowly accelerates, there has also been an increase in the number of housing-related intimidations. These incidents generally involve attempts by Croat homeowners to evict Serb displaced persons temporarily occupying their houses under the terms of the Agreement on the Operational Procedures of Return concluded by the Government of Croatia and UNTAES. The indigenous population of other ethnic origins which remained in the region after 1991 has recently become the target of intimidation.

Croatian police performance

10. Effective cooperation has been established between the Support Group and the local police. My Representative has maintained close regular contacts with the Minister of the Interior and the Assistant Minister of the Interior, who have been readily available to resolve emerging issues. In addition, the Police Commissioner of the civilian police and his staff maintain close daily links with local police commanders. Initial difficulties in ensuring full and unimpeded access of the civilian police to all police documents have been overcome, and free access is now being provided. Following démarches to the Ministry of the Interior, disciplinary measures, in most cases, have been taken against police officers who have obstructed the civilian police in the implementation of the mandate of the Support Group.

11. The level of training of police officers in the region varies. Croat officers have received police training, some up to degree level. Serb and other minority officers have received basic training and continue to receive in-service training. Regardless of background, the police in the region are generally professional, well equipped and capable of responding rapidly to events. In the vast majority of cases, they have acted promptly and pressed charges, usually of disturbing public peace and order, against those involved in incidents. Owing to a significant backlog, these cases have only recently begun to be dealt with by the courts within the region.

12. Police response to ethnically related incidents, evictions and housing intimidation cases is, however, not always satisfactory. This is of special importance, as 75 per cent of all incidents in the region relate to property disputes between potential returnees and resident displaced persons. On 9 January 1998, the Ministry of the Interior issued clear guidelines to the police on how to respond to cases of attempted eviction. The guidelines were intended to protect the right of displaced persons residing in the region to

remain in their houses until they are provided with appropriate alternative accommodation. On occasion, the guidelines have not been implemented. In other instances, they have only been implemented at the insistence of the civilian police monitors present at the incident. Failure to act promptly and effectively in such cases has strengthened the local perception that the police is partial.

13. Despite repeated promises, the Government of Croatia has been slow to publicize good police performance in the region. The media give little or no publicity to the official response to ethnically related offences or crimes. Police actions and court sentences also go largely unnoticed. At the same time, most court decisions on cases of disturbing public peace and order have resulted in small monetary fines that are not sufficient to deter offenders and prevent recidivism. As a result, the common perception is that harassment goes unpunished. This lack of confidence in the system lessens local faith in the police and the judiciary and results in a non-reporting of incidents by residents, irrespective of ethnicity.

14. In its presidential statement of 6 March 1998 (S/PRST/1998/6), the Security Council called upon the Government of Croatia, inter alia, to take measures, including through public information and police preventive action, to improve public confidence in the police as part of a wider programme of measures to prevent ethnically motivated crime. Only limited steps have recently been taken to raise the public profile of the police. While Serb and Croat local leaders have reported an improved level of confidence in the police force, much more needs to be done to improve the image of the police. Towards this end, the Support Group has urged the Ministry of the Interior to institute a community policing programme as a matter of priority.

15. While the overall performance of the police has improved since the beginning of the Support Group mandate, this has been largely the result of close and comprehensive civilian police monitoring. In the absence of international police monitors, some local police officers have contravened Croatian laws and normal professional standards. In addition, based on information available, Croatian police performance in the former United Nations Protected Areas remains uneven. This does not create a secure environment that is sufficient to give confidence to those considering returning to other parts of Croatia.

III. RETURN OF REFUGEES AND DISPLACED PERSONS

16. UNHCR estimates that, since late 1996, some 42,500 Serb residents and displaced persons have emigrated from Croatia. This figure includes more than 2,200 who have requested asylum in Norway. According to Government figures, 1,001 Serb children have withdrawn from school. This may be indicative of the level of Serb population movements. Departures are motivated by a combination of factors: continued security incidents and ethnically related intimidations; a dire economic situation; bureaucratic hurdles; discriminatory legislation; and a stalled two-way return programme.

17. UNHCR also reports that of the more than 33,200 Serb displaced persons registered in 1997, only 12,600 remain in the region. Up to 12,000 Serb displaced persons have returned from the region to their homes in other parts of Croatia. Most of these returns have taken place outside the Agreement on the Operational Procedures of Return, resulting in difficulties for displaced persons in obtaining necessary documents and benefits. The number of those wishing to return within Croatia is, however, declining. Since the termination of UNTAES, only 334 Serb displaced persons have returned to their homes in other parts of Croatia within the agreed mechanisms.

18. Returns of Croat displaced persons to the region have been slow, owing mainly to the lack of economic growth and employment possibilities in the region and also to the desire to maintain displaced person benefits and assistance. The Government states that around 15,000 Croats have, so far, returned to the region. Based on observations on the ground, it appears likely that many of those returnees are only weekend residents who are repairing their houses while retaining homes elsewhere in Croatia (which are not necessarily theirs). According to Government figures, Croat school enrolments in the region have increased by only 341 since the start of the school year. It is expected, however, that significant numbers of Croat displaced persons may return following the end of the school year in June.

19. The Croatian Government Real Estate Agency has reported that it has purchased 1,071 houses from Serbs wishing to sell their property throughout Croatia. This figure includes 400 houses that have been purchased in the region. Of those 400 houses, the Government reports that it has leased 104 to Serb displaced persons who had moved out of the houses they were occupying following pressure from original Croat homeowners.

20. At the national level, core issues related to the return of displaced persons, such as the abolishment of discriminatory property laws and the establishment of effective mechanisms that would allow owners to recover their properties, remain unresolved. Although the promised rescission of the Law on the Temporary Take-Over of Property and Administration of Specified Property and the Law on the Lease of Apartments in the Liberated Areas is welcome, the original drafts prepared by the Government do not introduce mechanisms that would allow legitimate owners to recover their property in a comprehensive and non-discriminatory manner.

21. Serb displaced persons in the region are actively encouraged by the local housing commissions of municipalities (with Croat majorities) to go to collective centres instead of being provided with alternative accommodation, as foreseen by the tripartite Agreement on the Operational Procedures of Return. Continued intimidation and the absence of property restitution have resulted in some of them accepting accommodation in such centres, despite the fact that there are hundreds of available vacant houses and apartments in the region that owners have either left or to which they have not come back. According to the local authorities, more than 600 units of housing remain vacant in Beli Manastir and 1,500 in the Vukovar-Sirmium County. The plight of those who have been referred to collective centres should be urgently addressed, and referrals by housing commissions to such centres should stop.

22. On 16 September 1997, the Government announced a property restitution programme to enable owners to recover their property. To date, however, not a single Serb displaced person has been able to return to his/her occupied home through this programme. On 15 May 1998, it was announced that the Government would finance reconstruction of 1,200 houses for Bosnian Croat returnees in the central Bosnian canton. In contrast, only 21 displaced Croatian citizens of Serb ethnic origin in the region have received cash grants for the repair of slightly damaged houses. No grants have been provided for more seriously damaged houses.

23. On 27 April 1998, the Croatian Sabor adopted refugee return procedures that contained serious flaws. Following action by the international community, including the postponement of a proposed reconstruction conference, the Government issued mandatory instructions that took into consideration some of the concerns of the international community. The Government's step was welcomed by the Security Council, which stated its intention to follow closely the implementation of the instructions. The Council also looked forward to the elaboration of the comprehensive return plan.

IV. THE SITUATION IN THE DANUBE REGION

24. In its resolution 1145 (1997) the Security Council reiterated, inter alia, the continuing obligation of the Government of Croatia, under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (S/1995/951, annex), to respect the highest standards of human rights and fundamental freedoms and to promote an atmosphere of confidence among local residents regardless of ethnic origin. The Council called upon the Government of Croatia to implement fully and promptly all of its obligations and commitments, including those reached with UNTAES, with regard to the region.

25. In its presidential statement of 6 March 1998 (S/PRST/1998/6), the Council called upon the Government of Croatia to take prompt and unequivocal steps to ensure the safety, security and rights of all Croatian citizens and to build confidence among the Serb community throughout Croatia, including by providing promised funding for the Joint Council of Municipalities. These steps were to include measures to create the conditions to allow local Serbs to remain in the region, to facilitate the return of refugees and displaced persons and to address practical and economic issues that inhibit returns. The Council also called upon the Government to establish clear procedures for the documentation of refugees from Croatia, to issue an equitable plan for nationwide two-way returns, to implement fully and fairly its legislation on amnesty, to act promptly to pass equitable property and tenancy rights legislation that would encourage returns and stimulate additional international reconstruction assistance, to ensure fair employment benefit practices and equal economic opportunity and to ensure the non-discriminatory application of the rule of law.

Implementation of agreements

26. Since the termination of UNTAES, the Government of Croatia has met the majority of its obligations concerning the provision of public services and employment within the public sector. Most workers in public enterprises and

institutions continue to enjoy employment rights. Of those who left their places of employment, many did so as a result of a decision to leave Croatia; others retired or accepted early retirement pensions. All workers, in line with agreements on the education, health and public utility sectors, were able to retain positions within the region. Training courses have been offered to upgrade their skills. Although the Government has issued an instruction on the deferment of military service, the provisions for Serb displaced persons who have returned to their homes elsewhere in Croatia are not fully in line with Government commitments.

27. The Law on Convalidation, passed in October 1997, recognized, inter alia, the years of work of employees under the "Republika Srpska Krajina (RSK)" regime. In April 1998, implementation decrees were issued for the Convalidation Law. There is, however, still no consistent administrative procedure for implementation of the law for all public enterprises and institutions. To date, the overwhelming majority of workers have not received confirmation of years of prior service, nor have their workbooks been updated to reflect this. Without this, workers who retired after reintegration or who paid into the regional ("RSK") pension plan cannot collect pension benefits. The failure to clarify this issue undermines the implementation of the Convalidation Law and will have a severe impact on the recognition of the years of service of all public employees and on the Pension agreement.

Progress in reconciliation

28. There has been almost no progress in reconciliation since my final report on UNTAES of 22 January 1998 (S/1998/59). At the national level, the programme continues to be pursued within the framework of the National Committee for the Establishment of Trust, but this is not evident at the municipal level throughout Croatia. In many instances, local authorities view reconciliation committees as a mechanism for solving problems related to returning Croat displaced persons rather than for re-establishing confidence between ethnic communities. In some areas of Serb return, reconciliation committees have not been formed. Although the national media have displayed a more conciliatory line, programmes and articles continue to be produced that do not contribute to the creation of an atmosphere conducive to reconciliation.

Implementation of the Amnesty Law

29. The Government of Croatia has published a list of 13,575 Serbs to whom the Amnesty Law applies. Because this list is not exhaustive and courts continue to issue lists of individuals not covered by the Amnesty Law, this step has failed to reassure the inhabitants of the region. To counter this, the Minister of Justice has repeatedly given assurances that, in the absence of new evidence, there are no lists of non-amnestied persons, with the exception of 25 known cases where the indictees would be able to appeal against their in absentia convictions. These 25 cases are, however, not proceeding, as the local court has delayed the review of the cases. Recently, some senior Croatian judiciary officials made statements that go contrary to the assurances previously provided by the Minister of Justice and commitments repeatedly stated by the Government of Croatia on amnesty. In addition, four Serbs were detained in the region and charged with common crimes they had allegedly committed while serving in

paramilitary units during the time of the conflict. These arrests have added to the fears of the local Serb community.

Functioning of local municipalities

30. With the exception of Vukovar, almost all the municipalities within the region are functioning. Cooperation between Croat and Serb councillors ranges from minimal to normal interaction, as in the case of Beli Manastir. The Vukovar City Council remains completely deadlocked because of disagreements over the distribution of functions within the city administration, the allocation of resources and the absence of any effort to enhance reconciliation between ethnic communities. As the locally elected representatives of both the Independent Serb Democratic Party (SDSS) and the Croatian Democratic Union (HDZ) could not resolve the problems, the SDSS has sought senior national-level HDZ intervention, but without result.

31. Recently, the Croat Returnee Association, encouraged by some Croat local officials, called for early elections in a number of municipalities where Serbs had obtained a majority in the 1997 elections, on the grounds that large numbers of Serbs had since left. Although senior Croatian officials stated that the Government would not support this move, the Association is persisting in its initiative. This is a potentially serious issue. Holding elections in selected municipalities would mean a revision of the results of the election organized and certified under UNTAES and endorsed by the Security Council only one year ago.

The Joint Council of Municipalities

32. The Joint Council of Municipalities has received 710,000 kuna (about 113,000 dollars) in temporary funding. These funds have been almost completely utilized to cover past expenditures. Under an agreement with the Government, the Council has reduced its staffing to 37. There has, however, been no progress in the finalization of its status and the establishment of its permanent funding.

Economic reconstruction

33. The Government of Croatia has acknowledged that the poor economic situation and unemployment are major obstacles to overall progress in the region, but little has been done to redress these problems. There has been no significant private or public investment in the region, particularly in the city of Vukovar. The measures proposed and, in some cases, taken by the Croatian Privatization Fund have increased unemployment and created anxiety among the residents about their economic future. Serb employees have also been disenfranchised from participating in the privatization process.

34. The Support Group, with contributions from the Governments of Belgium, Norway and the United States of America, is implementing a number of projects in the region. These include the reconstruction and building of an apartment block, two pensioners' homes, a kindergarten and a school; the provision of educational equipment for schools; and demining. These projects will be completed by 1 July 1998. The Support Group has encouraged Governments and

non-governmental organizations to conduct workshops to facilitate confidence-building and the provision of specific skills.

The Article 11 Commission

35. The Article 11 Commission, formed under the provisions of article 11 of the Basic Agreement, is playing an increasingly important role in focusing international attention on the Danube region and on issues affecting it. The Commission is made up of most of the Zagreb-based ambassadors, the heads of UNHCR, OSCE and the European Commission Monitoring Mission (ECMM) and my Representative. The Commission has been a key instrument in encouraging the Government of Croatia to meet its commitments fully and in underscoring continued international commitment to the successful completion of peaceful reintegration.

V. COOPERATION WITH THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

36. The Support Group has cooperated closely with OSCE. Effective coordination between the two is ensured by a weekly heads of mission meeting in Zagreb and twice-weekly coordination meetings in the region. This coordination has enhanced the efficiency of operations and prevented the duplication of activities.

37. The Support Group continues to provide advice to OSCE on the reintegration process and on agreements concluded by UNTAES with the Government of Croatia, which OSCE now has the responsibility of monitoring. These agreements include the reintegration of all public services, employment contracts, the provision of social services and monitoring the judicial system.

38. UNHCR continues to play the lead role in issues related to refugees, displaced persons and the Joint Working Group on Returns. OSCE has replaced UNTAES within the Joint Working Group, and the United Nations Liaison Office in Zagreb has been accorded observer status. In the region, the Support Group's monitoring of the police response to cases related to returns of displaced persons is complemented by OSCE monitoring of the activities of the return-related civilian agencies, including the housing commissions.

39. On 31 March 1998, my Representative wrote to the Head of the OSCE Mission in Croatia inviting OSCE to begin appropriate contingency planning for the intended transfer of the police monitoring function in the region to that organization. In early May 1998, my Representative held further discussions on this issue with the Secretary-General of OSCE, the OSCE Chairmanship and the OSCE Troika in Vienna. During those discussions, my Representative emphasized that, in order to ensure effective monitoring, it would be necessary to have a sufficient number of qualified police officers with the same broad competencies and operating under the same conditions as the Support Group. Most importantly, there should be no gap between the incoming and outgoing operations. A decision by the Permanent Council of OSCE on police monitoring in the region is still pending.

VI. OBSERVATIONS

40. As I noted in my report of 22 January 1998 (S/1998/59), President Tudjman, at a ceremony marking the end of the UNTAES mandate, reiterated his Government's intention to honour its commitments and vowed not to allow extremist elements to undermine the achievements of UNTAES. Since 15 January 1998, there has been progress on a number of issues that remained outstanding at the end of the UNTAES mandate. However, core issues still remain unresolved, including the abolishment of discriminatory property laws and the establishment of effective mechanisms that would allow owners to recover their property. The Government also still has to adopt a comprehensive nationwide programme for returns and to develop a balanced reconstruction plan.

41. In the region, continued ethnically related intimidations and incidents, a dire economic situation and the unresolved core issues mentioned above have prompted many Croatian citizens of Serb origin residing in the region to leave the country. A wide gap continues to exist between commitments reconfirmed repeatedly at the highest official level and implementation at lower levels. These factors combine to produce a perception among the local Serb population that they have no future in Croatia.

42. With the large Croatian police presence, it has been possible to maintain an overall stable security situation in the region. However, despite improvements in police performance, much work remains to be done before the police enjoys local confidence and proves itself to be capable of effectively and impartially policing a multi-ethnic community. As noted in paragraphs 10 to 15 above, the generally satisfactory police performance is largely due to comprehensive monitoring by the Support Group and the special attention paid to the situation in the region by the Ministry of the Interior. In the absence of international monitoring, police performance would be likely to deteriorate as a result of failure to comply with professional standards or with provisions of Croatian law. A continuation of international police monitoring would, therefore, seem to be essential both to increase local confidence and to ensure that acceptable standards of policing are maintained.

43. It must be stressed that the improving performance of the Croatian police in the region is not sufficient by itself to offset the range of outstanding problems that create a climate that fosters ethnic hatred, intolerance and intimidation. Without strong Government preventive action to discourage intimidation by publicly stressing the equality of all citizens before the law and addressing the outstanding root causes of these incidents, especially property-related issues, as well as prompt, effective and publicized court action to punish offenders, it will not be possible to bring these incidents under control, irrespective of police efficiency.

44. A key element in building and maintaining multi-ethnic communities is economic development. Although reconstruction is an important element in this, it is not sufficient only to provide housing for residents. Without employment opportunities, the original residents in the region are unlikely to remain, and Croat displaced persons are unlikely to wish to return.

45. It is expected that returns of Croat displaced persons will accelerate after the end of the school year. Unless there is full implementation of the reconciliation programme at all levels throughout Croatia, as well as the introduction of effective mechanisms to enable two-way returns and property restitution, the possibility exists that ethnically motivated incidents might increase at that time. Under such conditions, Serb departures will continue and may gather momentum during the summer months.

46. Provided that the Government takes major steps to resolve these problems, that the return of Croat displaced persons to the region proceeds without increased ethnic incidents and that police performance continues to improve, it would be my intention to downsize the Support Group operation gradually beginning in August, with the goal of reaching a level of 140 civilian police monitors by the end of that month and a level of 120, by the end of September. It would also be my intention to submit a further report by mid-September detailing the arrangements for the termination of the Support Group mandate by 15 October.

47. In the meantime, I have instructed my Representative to establish a timetable for the handover of the Support Group's functions to OSCE, in the expectation that the Permanent Council of that organization will confirm its readiness to assume responsibility for police monitoring in the region from 16 October 1998.

48. Finally, I should like to thank my Representative, Mr. Souren Seraydarian, as well as the Police Commissioner, Mr. Halvor Hartz, and the personnel under their command, for their dedication and perseverance in carrying out the tasks entrusted to them by the Security Council.

Annex

Composition of the civilian police elements of the United Nations Police Support Group as at 3 June 1998

Nationality	Civilian police
Argentina	6
Austria	8
Denmark	7
Egypt	8
Fiji	8
Finland	11
Indonesia	6
Ireland	10
Jordan	8
Kenya	9
Lithuania	8
Nepal	5
Nigeria	5
Norway	15
Poland	4
Russian Federation	3
Sweden	10
Switzerland	3
Tunisia	13
Ukraine	8
United States of America	22
Total	177